

TOWN BOARD MEETING
WEDNESDAY, MARCH 2, 2011; 7:00 P.M.
 NEW WINDSOR TOWN HALL
 NEW WINDSOR, NEW YORK

BOARD MEMBERS PRESENT: Supervisor Green, Councilwoman Mullarkey, Councilwoman Weyant, Councilwoman Biasotti, Councilman Lundstrom

OTHER OFFICIALS PRESENT: Comptroller Finnegan, Police Chief Biasotti, Town Attorney Blythe, Highway Superintendent Fayó

Supervisor Green called to order the Town Board meeting and presided over same.

#1 On Agenda: Motion - Approve Minutes

Motion by Councilwoman Weyant, seconded by Councilwoman Mullarkey that the Town Board of the Town of New Windsor approve the minutes of the Town Board meeting held on February 3, 2011, as per the copies posted on the Town Clerk's bulletin board in the Town Hall, and same distributed to each of the Town Board members.

Roll Call: All Ayes

Motion Carried: 5-0

UNFINISHED BUSINESS

HIGHWAY DEPARTMENT

#2 On Agenda: Receive and File Permit Bond - Valley Contracting, Inc,

Hearing no objection, the Town Board of the Town of New Windsor receive and file with the Town Clerk a Continuation Certificate for Permit Bond #43161371, submitted by Valley Contracting, Inc., in the amount of \$20,000.00, effective February 15, 2011 and expiring February 15, 2012. The purpose of the Permit Bond is to secure a permit from the Town of New Windsor to perform street openings within the Town. Same being referred to the Town Attorney and the Town Highway Superintendent.

#3 On Agenda: Receive and File Executed Snow and Ice Agreement

Hearing no objection, the Town Board of the Town of New Windsor receive and file with the Town Clerk a fully executed Snow and Ice Agreement between the Town of New Windsor and the County of Orange for various county roads for the 2010-2011 snow season.

WATER DEPARTMENT

SANITATION DEPARTMENT

GENERAL

#4 On Agenda: Motion - Adopt Resolution Honoring New Windsor Fire Department

Motion by Councilman Lundstrom, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor adopt the following:

WHEREAS: The New Windsor Fire Department was founded in 1936 and is now celebrating its 75th anniversary; and

WHEREAS: The Town Board of the Town of New Windsor is proud to commemorate its 75th anniversary and to honor its past and present members for their seventy five (75) years of protecting the citizens of the Town of New Windsor; and

WHEREAS: With a membership of dedicated firefighters, the record of the New Windsor Fire Department has been one of outstanding dedication to public service and fire protection; whenever the alarm sounded for twenty four (24) hours a day, three hundred sixty five (365) days a year, for seventy five (75) years whenever called upon, these volunteers have left both home and family and gone to the aid of their neighbors; and

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WHEREAS: These brave firefighters are prepared to risk their lives on a daily basis to save the lives of others and to protect homes and property from the destruction caused by fire; and

WHEREAS: The Town Board recognizes the support and sacrifice of the families of these brave firefighters; and

WHEREAS: This Board cannot express sufficient gratitude to those devoted individuals who recognize that the preservation of life and property is a sacred responsibility and who make that their responsibility by serving as firefighters; and

WHEREAS: It is the sense of this Board that we should give special recognition to the New Windsor Fire Department, its members, auxiliary and their families on this auspicious occasion of their 75th Anniversary;

NOW, THEREFORE BE IT RESOLVED: That the Town Board of the Town of New Windsor proudly commemorates the 75th Anniversary of the New Windsor Fire Department and calls upon all citizens to recognize their dedication and service to our community.

Roll Call: All Ayes

Motion Carried: 5-0

#5 On Agenda: Motion - Amend Official Undertaking Resolution

Motion by Councilwoman Mullarkey, seconded by Councilwoman Weyant that the Town Board of the Town of New Windsor adopt the following:

WHEREAS, Public Officers Law Section 11 and Town Law Section 25 require that certain public officials post formal Undertakings to ensure the faithful discharge of their duties; and

WHEREAS, both Public Officers Law Section 11 and Town Law Section 25 require said Undertakings to be approved by the Town Board of the Town of New Windsor as to amount, form and manner of execution; and

WHEREAS, the Town Board of the Town of New Windsor by resolution dated December 5, 2007, established the amounts of Undertakings to be posted on behalf of certain Town officials; and

WHEREAS, it is now the desire of the Town Board of the Town of New Windsor to include the Deputy Receiver of Taxes as a Town Official who must post a formal undertaking to ensure the faithful discharge of her duties;

NOW, THEREFORE BE IT RESOLVED by the Town Board of the Town of New Windsor that Official Undertakings required of all Town Officials shall include the Deputy Receiver of Taxes and shall be posted with the Town Clerk in accordance with the attached form and executed in a manner to be prescribed by the Town Clerk.

Roll Call: All Ayes

Motion Carried: 5-0

#6 On Agenda: Motion - Approve Receipt of Funds - Stop DWI Program

Motion by Councilwoman Biasotti, seconded by Councilman Lundstrom that the Town Board of the Town of New Windsor adopt the following:

WHEREAS the County of Orange has funds to be distributed to local law enforcement agencies for the purpose of conducting enforcement activities related to the Stop DWI Program for the year 2011; and

WHEREAS the Town of New Windsor does wish to participate in said Program;

NOW, THEREFORE BE IT RESOLVED that the Town Board of the Town of New Windsor approves the receipt of said funds on behalf of the Town of New Windsor Police Department from the County of Orange and authorizes the Chief of Police or his designee, to execute all necessary contracts and documentation with regard to available funds.

Roll Call: All Ayes

Motion Carried: 5-0

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#7 On Agenda: Receive And File Resignation Letter - Planning Board Member

Hearing no objection, the Town Board of the Town of New Windsor receive and file with the Town Clerk, a letter of resignation from Town of New Windsor Planning Board member Neil Schlesinger dated February 10, 2011, effective immediately.

#8 On Agenda: Motion - Appoint to Planning Board - Harry Ferguson

Motion by Councilman Lundstrom, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor appoint Harry Ferguson, 33 Spring Rock Road, New Windsor, New York to the Town of New Windsor Planning Board to fill the unexpired term of Neil Schlesinger. Term shall begin immediately and expire on December 31, 2014.

Roll Call: All Ayes

Motion Carried: 5-0

#9 On Agenda: Motion - Call Public Hearing - Proposed Special Use Permit - Amber Grove

Motion by Councilwoman Weyant, seconded by Councilwoman Mullarkey that the Town Board of the Town of New Windsor hereby calls a Public Hearing to be held on April 6, 2011 at 555 Union Avenue, New Windsor, New York at 7:00 o'clock p.m. for a Special Use Permit for Senior Housing at Route 94 and Forge Hill Road in the Town of New Windsor commonly referred to as Amber Grove.

Roll Call: All Ayes

Motion Carried: 5-0

#10 On Agenda: Motion - Re-Approve Site Location - Meadowbrook Estates

Motion by Councilwoman Biasotti, seconded by Councilman Lundstrom that the Town Board of the Town of New Windsor re-approve the site location and cluster concept submitted by Meadowbrook (PB #01-42), and refer same to the Town of New Windsor Planning Board for coordinated State Environmental Quality Review (SEQR) with Orange County Department of Planning, Site Plan approval.

Roll Call: All Ayes

Motion Carried: 5-0

#11 On Agenda: Motion - Approve Suitability - Mason Ridge II Workforce Housing Project

Motion by Councilwoman Mullarkey, seconded by Councilwoman Weyant that the Town Board of the Town of New Windsor adopt the following:

WHEREAS, the Town Board of the Town of New Windsor has received correspondence from the New Windsor Planning Board dated February 14, 2011 regarding the proposed Mason Ridge II Workforce Housing Project ("The Project"); and

WHEREAS, the Town Board of the Town of New Windsor previously approved a Workforce Housing Project known as Mason Ridge adjacent to the Mason Ridge II Project; and

WHEREAS, the Planning Board has advised that the site of the proposed project is located within the Workforce Housing Overlay District and that the application is sufficient to commence Town Board review; and

WHEREAS, the Planning Board has found the site suitable for Workforce Housing in accordance with the criteria set forth in Section 300-31.1(D) of the Town Code; and

WHEREAS, the Planning Board has declared its intent to serve as State Environmental Quality Review (SEQR) lead agency for a coordinated environmental review; and

WHEREAS, the Town Board has received and reviewed the application for the project, which is located off NYS Route 32 in the Town of New Windsor; and

WHEREAS, the Town Board has reviewed the site selection in conjunction with the criteria listed in Section 300-31.1(D) of the Town Code;

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of New Windsor finds that the Mason Ridge II Workforce Housing Project is generally in compliance with the site selection criteria as set forth in Section 300-31.1(D) of the Town Code; and

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BE IT FURTHER RESOLVED that, the Town Board of the Town of New Windsor hereby advises the Planning Board that it believes that the site proposed for the Mason Ridge II Workforce Housing Project is suitable for that purpose in accordance with Section 300-31.1(J)(2)(a) of the Town Code; and

BE IT FURTHER RESOLVED that, the Town Board of the Town of New Windsor directs the Planning Board to advise when the SEQR process has concluded and to refer same back to the Town Board for consideration of a Special Use Permit.

Roll Call: All Ayes

Motion Carried: 5-0

#12 On Agenda: Motion - Authorize Execution of Inter-Municipal Agreement - IT Services with Village of Washingtonville

Motion by Councilman Lundstrom, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor authorize the Supervisor to execute an Inter-municipal Agreement between Town of New Windsor and Village of Washingtonville for purposes of utilizing the Town of New Windsor's Information Technology Officers to assist the Village of Washingtonville in the establishment, configuration, maintenance and oversight of the Village of Washingtonville computers.

Roll Call: All Ayes

Motion Carried: 5-0

#13 On Agenda: Motion - Adopt Hazard Mitigation Plan

Motion by Councilwoman Weyant, seconded by Councilwoman Mullarkey that the Town Board of the Town of New Windsor

WHEREAS, Town of New Windsor is a New York State municipal corporation having its principal place of business located at 555 Union Avenue, New Windsor, NY 12553; and

WHEREAS, with the assistance of Turner Miller Group, has gathered information and prepared the Town of New Windsor Hazard Mitigation Plan; and

WHEREAS, the Town of New Windsor Hazard Mitigation Plan has been prepared in accordance with the Disaster Mitigation Act of 2000; and

WHEREAS, Town of New Windsor is a local unit of government that has afforded its citizens an opportunity to comment upon, provide input to the Plan and the actions in the Plan; and

WHEREAS, Town of New Windsor has reviewed the Plan and affirms that the Plan will be updated no less than every five years;

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of New Windsor hereby adopts the Town of New Windsor Hazard Mitigation Plan as this jurisdiction's Natural Hazard Mitigation Plan, and resolves to execute the actions in the Plan.

Roll Call: All Ayes

Motion Carried: 5-0

#14 On Agenda: Receive and File Notice of Claim - Bequette vs. Town of New Windsor

Hearing no objection, the Town Board of the Town of New Windsor receive and file Notice of Claim in the matter of Heather Bequette and Ryan Bequette v. Town of New Windsor, et al received on February 22, 2011.

#15 On Agenda: Receive and File Summons and Complaint - Dancy vs. Town of New Windsor

Hearing no objection, the Town Board of the Town of New Windsor receive and file Summons and Complaint in the matter of Troy D. Dancy v. Town of New Windsor received on February 3, 2011.

#16 On Agenda: Receive and File Notice of Appeal - Suttlehan vs. Town of New Windsor

Hearing no objection, the Town Board of the Town of New Windsor receive and file Notice of Appeal in the matter of Donald J. Suttlehan v. Town of New Windsor, et al.

#17 On Agenda: Receive and File Improper Practice Charge By New Windsor

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Patrolmen’s Benevolent Association

Hearing no objection, the Town Board of the Town of New Windsor receive and file Improper Practice Charge dated February 18, 2011 filed by the Patrolmen’s Benevolent Association of New Windsor, New York, Inc., related to Town of New Windsor response to PBA Demand for Interest Arbitration.

#18 On Agenda: Officials Reports

The following reports were received, recorded and filed with the Town Clerk:

Fire Prevention	Month of January 2011
Justice Court – Noreen Calderin	Month of February 2011
Justice court – Richard Thorpe	Month of February 2011
Police Department	Month of February 2011
Recreation Department	Month of February 2011
Tax Receiver Utility Report	Month of February 2011
Tax Receiver Monthly Tax Statement	Month of February 2011
Town Clerk	Month of February 2011

#19 On Agenda: Public Forum

Supervisor Green asked anyone on the Board if they had any comments and then opened the public forum to anyone who wished to speak.

Miles Donker said he just wanted to inform the Board that he has been re-elected as president of the Oak Hill Homeowners Association and they are still working on getting their road dedicated.

William Mann, Hampton Court, said that due to the Town’s snow plowing he has had no access to his backyard. He said he had spoken to the Highway Superintendent about it and they cleared snow around his well but he still has no backyard access. Superintendent Fayo said that the snow has to go somewhere, and because he lives on a cul de sac there isn’t any other place to put it. Supervisor Green said that he and Mr. Fayo would take a ride out and look at the situation in person.

Fran Maxwell read a prepared statement relating to the soil burner on River Road, asking that the Town request the DEC require a health risk assessment be done and an independent monitor be appointed to evaluate the processes of the soil burner before renewing their permit. Supervisor Green asked for a copy of her statement and he also said they have received no complaints about the soil burner in well over a year but he would relay her concerns to the DEC. He said that the new owner was in his office and they are going to be burning to natural gas probably next week.

Leo Braun spoke about the newspaper article relating to the Town’s water situation. Supervisor Green said he had not seen the article but understood that it was very well written. Mr. Braun also asked why the Vails Gate Fire Department didn’t receive any mention last year for their 100th anniversary. Supervisor Green said that they were presented with a plaque at their annual dinner rather than receiving it at a Board meeting.

Barney Bedetti said that John Egitto gave an excellent presentation at the workshop on Monday night and he thinks it should be repeated at a Town Board meeting. He wants to know if the Town has any strategies in place to deal with the water situation. Supervisor Green said that Mr. Egitto has given a presentation at a Town Board meeting in the past and yes, the town does have plans to deal with the water situation. The Town commissioned a water study several years ago to identify available aquifers and several test wells have been started. This spring the St. Anne’s well will be started up which will hopefully produce about 250,000 gallons per minute; there is another well on private property which is being looked at which will hopefully produce about 480,000 gallons per minute. These both will help with the excess water usage charged by New York City the rates for which are going up in July.

Mr. Bedetti said we must become self-sustaining and if we go on the Delaware Aqueduct we still won’t be self-sustaining, we will be in the same boat we are in now. Supervisor Green agreed and said we must have our own raw water.

Fran Maxwell asked why developers can’t build their own wells and Supervisor Green said that it sounds good but he would rather they contribute to the Town so our system can be improved.

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Hearing no one else wishing to speak, Supervisor entertained a motion to close the Public Forum.

Motion by Councilwoman Weyant, seconded by Councilwoman Mullarkey that the Town Board of the Town of New Windsor close the Public Forum portion of the meeting.

Roll Call: All Ayes

Motion Carried: 5-0

#20 On Agenda: Adjourn

Motion by Councilman Lundstrom, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor adjourn the Town Board reorganization meeting at 7:45 P. M.

Roll Call: All Ayes

Motion Carried: 5-0

Respectfully submitted,

DEBORAH GREEN
TOWN CLERK

/clc